Bankruptcy Case Opening

This process shows the steps and screens required for attorneys to open a bankruptcy case on CM/ECF. The case is a chapter 7, no asset, individual consumer.

Internet users will access CM/ECF through PACER and will use two different sets of logins and passwords; one for CM/ECF filing and the other for PACER access to queries and reports. This module will assume that the internet user has accessed the court's web site with their court assigned CM/ECF login and password. You can access this court's cm/ecf site by going to https://ecf.wvnb.uscourts.gov.

STEP 1 Click on the Bankruptcy hyperlink on the CM/ECF Main Menu Bar. **(See Figure 1.)**

Figure 1

STEP 2 The **BANKRUPTCY EVENTS** screen displays. **(See Figure 2)**

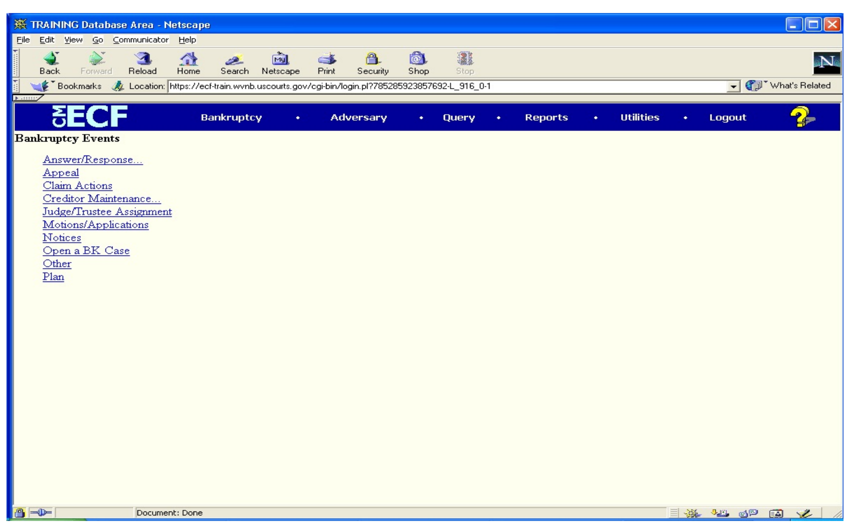

Figure 2

STEP 3 At the Bankruptcy Events screen, click on the <u>Open Voluntary BK Case</u> hyperlink. The Open New Bankruptcy Case screen will display **(See Figure 3.)**

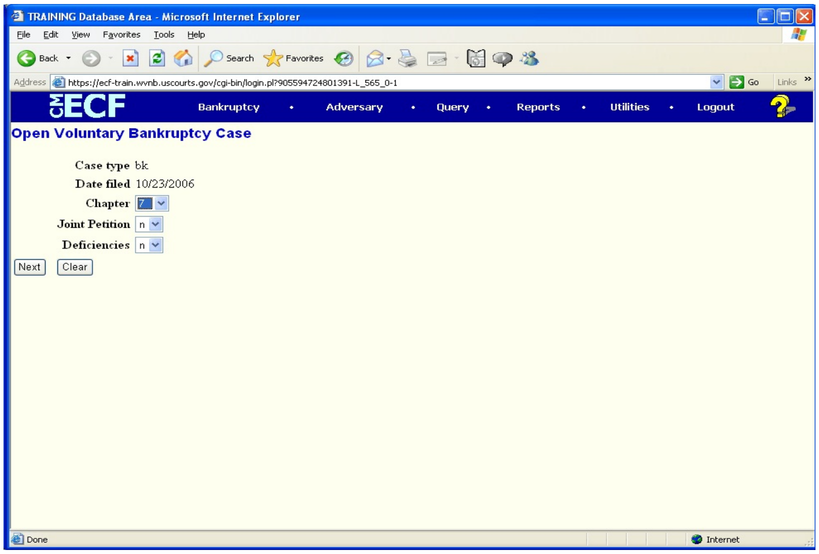

Figure 3

- The Case Type will reflect **bk**.
- The current date will always be displayed in the **Date Filed** field. This date cannot be changed. The file date of the petition will be the current date.
- Click the down arrow to reveal the list of available **Chapter** options. Click to select the appropriate chapter.
- Click the down arrow to reveal the list of **Joint Filing** options. The default value for **Joint Petition** is **n** (no) meaning this is not a joint (husband and wife) filing. Accept the default, or click to select **'y'** to indicate the filing includes both a male and female debtor.
- If there are any required items missing from the petition, change the **Deficiencies** box from **n** to **y**. A deficiency list will then be presented on a later screen.
- When this screen is correct, click **[Next]** to continue.

STEP 4 The **PARTY SEARCH** screen displays. **(See Figure 4.)**

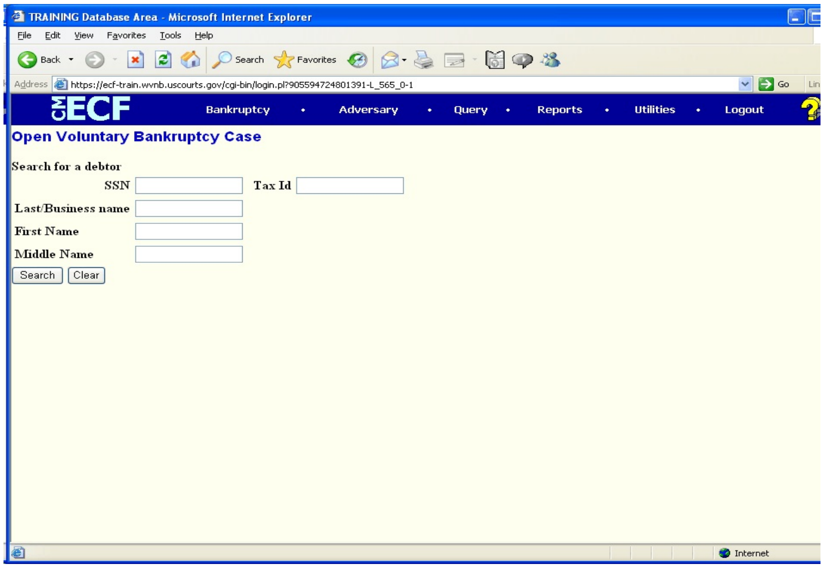

Figure 4

◆ This screen is for you to enter the parties in the case. Before you add the debtor, or any party, you should search the database to see if that party already exists in the database from another case, to eliminate duplicate records in the system. You can search by Social Security Number, Tax Identification Number, Last Name or Business Name.

- You can enter the last name to search the database. If this is a business filing, enter the first word or significant words of the business name to search. The entire business name is stored in the **Last/Business name** field. The field size is 200 characters.

Search Hints

- Enter one field of data for each search.
- Format Social Security Number or TaxID with hyphens.
- Include punctuation. (Garcia-Carrera)
- Try alternate search clues if your first search is not successful.
- Partial names can be entered.
- Wild cards (*) should not be used at the end of search strings.
- Wild cards may be used before or within search strings. (*son,Gr?y)
- The asterisk * should not be used by itself. It will search ALL records in the database and use unnecessary system resources.

NOTE: The entire name of businesses resides in the **Last/Business** field. Therefore, for business filings, entering the first part of the name may be sufficient to find a match.

STEP 5 If there are no matches, the system will return a **No Person Found** message. **(See Figure 5a.)**

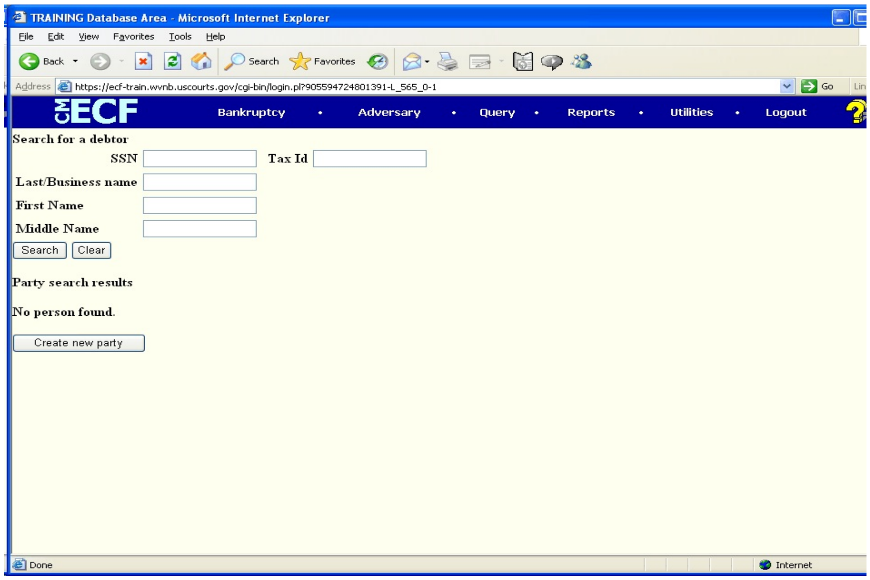

Figure 5a

NOTE: Your name search may find more than one record having the same name as shown in **Figure 5b**. Clicking on each of the names will display a window showing the party's address information for verification.

If none of the addresses are correct for this party, you can either 1.) modify the address (for this case only) on the following PARTY INFORMATION screen, or 2.) click on the **[Create new party]** button to add a new person record with this address**.**

NOTE: If the information you entered to search finds a match, it is **very** important to verify that the social security number of the matching party name and address Is correct. If you choose this as a match for your debtor, you will have no opportunity to modify the social security number. If the name and address are correct, **but** the social security number does **not** match, do **not** choose this as a match; add a new party.

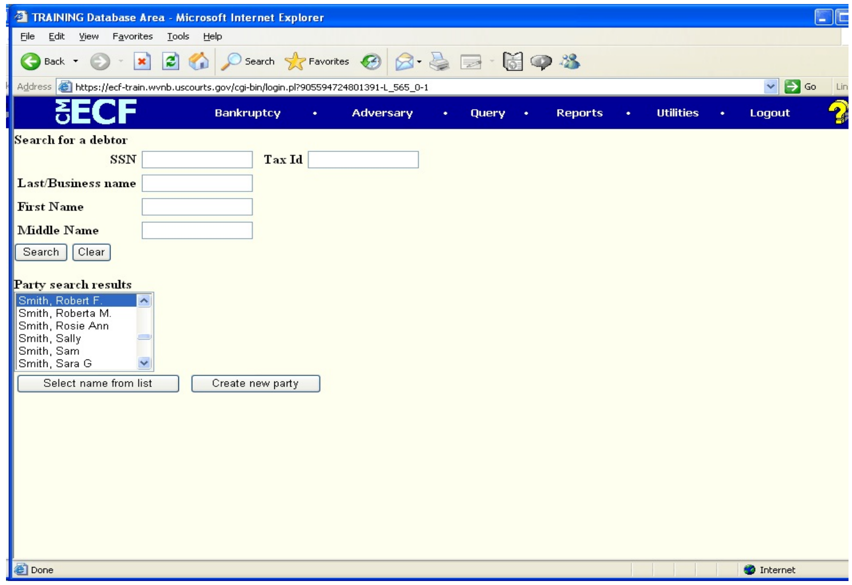

Figure 5b

◆ Once you have tried alternative searches and determined that the party is not already on the database, you can add them to the database. Click **[Create New Party]**.

STEP 6 The **PARTY INFORMATION** screen displays**. (See Figure 6a.)**

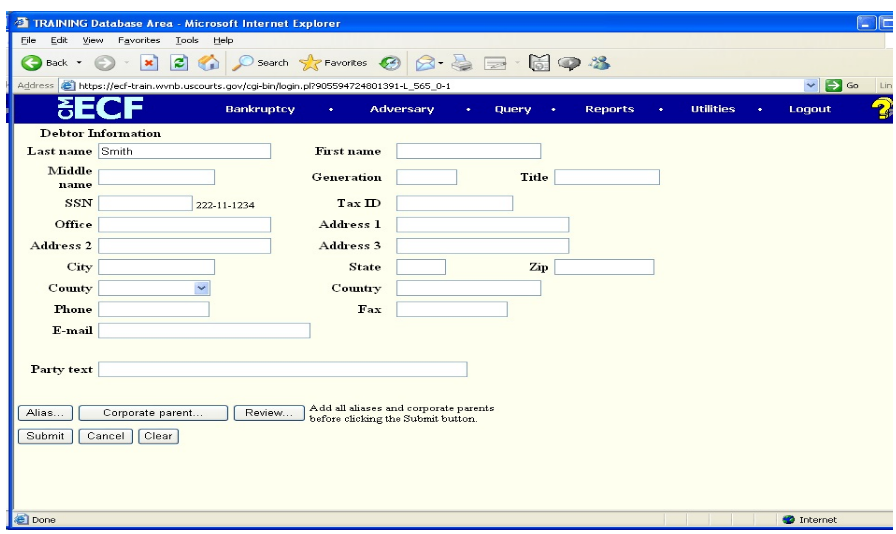

Figure 6a

- As shown on the petition, enter the following information:
  - Debtor's **Last Name** (If the debtor is a business, enter the full business name in the **Last Name** field.)
  - Debtor's **First Name**
  - Debtor's **Middle Name**
  - Debtor's **Generation**, if applicable (Jr., Sr., III, II, etc.)
  - Debtor's **Title**, if applicable (MD, PHD, etc.)
  - **SSN** (Social Security Number), or **Tax ID** (if the debtor is a business)
  - The **Office** box may be used to indicate the office name of a business debtor. (This field is used infrequently.)
  - Use **Address 1, Address 2 and Address 3** lines to type the debtor's mailing address as shown on the petition**.**
  - Type **City, State** and **Zip** information.
  - Click the down arrow to reveal the list of **County** options. Click to highlight the country shown on the petition. (Type the first letter of the county name for a faster search.)
  - It is not necessary to enter a **Country** name unless the country of the debtor's residence is **not** the United States.
  - Do **not** enter **Phone, Fax** and **E-Mail** information of the debtor.
  - The **Party Text** box can be used to add additional descriptive nature to the debtor's name. For example: If the debtor was General Foods Store, a division of General Motors Corporation, enter: *General Foods Store* in **Last name** field, and enter: *General Motors Corporation* in **Party text** field.
  - If this debtor has any aliases, click **[Alias]** to enter the alias information.
- The **Alias** screen displays. **(See Figure 6b)**

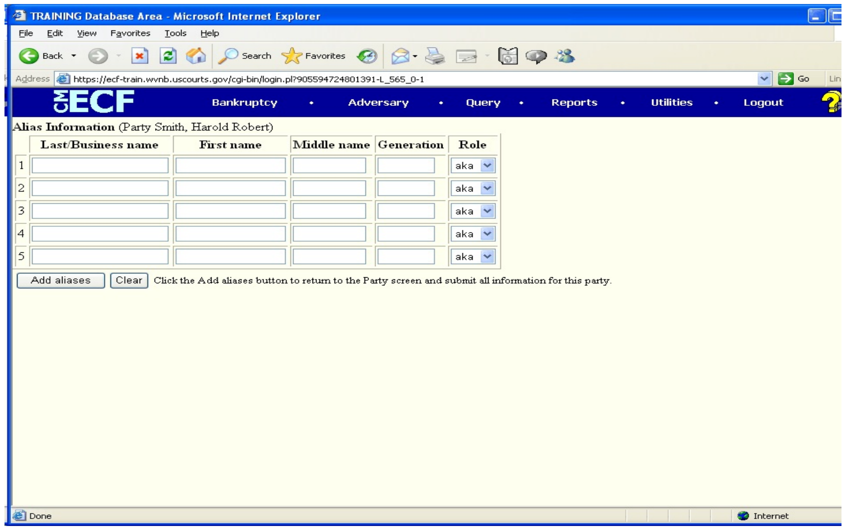

Figure 6b

NOTE: Do not use special characters such as parentheses, brackets, percent signs, ampersands and in care of's.

- You can enter up to five alias names at a time.
- Click the down arrow to reveal the list of options in the **Role** category. They include aka, dba, fdba, and fka. Click to select the appropriate **Role** type for each alias entered.
- Click **[Add aliases]** to submit.
    - If you make a mistake during the addition of aliases, click **[Clear]** to begin again.
    - If you have more than five aliases to add for this debtor, click **[Add aliases]** to add the first five. Then click **[Alias]** again to submit additional aliases. This may be done as often as necessary until all aliases are added to the system.

STEP 7 The **PARTY INFORMATION** screen reappears. **(See Figure 7a.)**

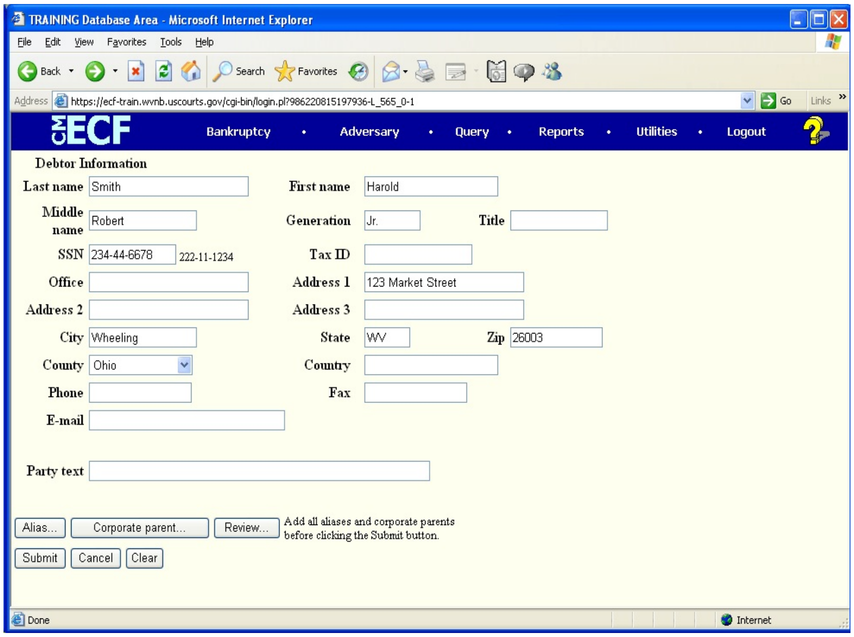

Figure 7a

- Verify the debtor information shown.
- Once all debtor and alias information has been added, click **[Review]** to review the alias information for this debtor. **(See Figure 7b.)**

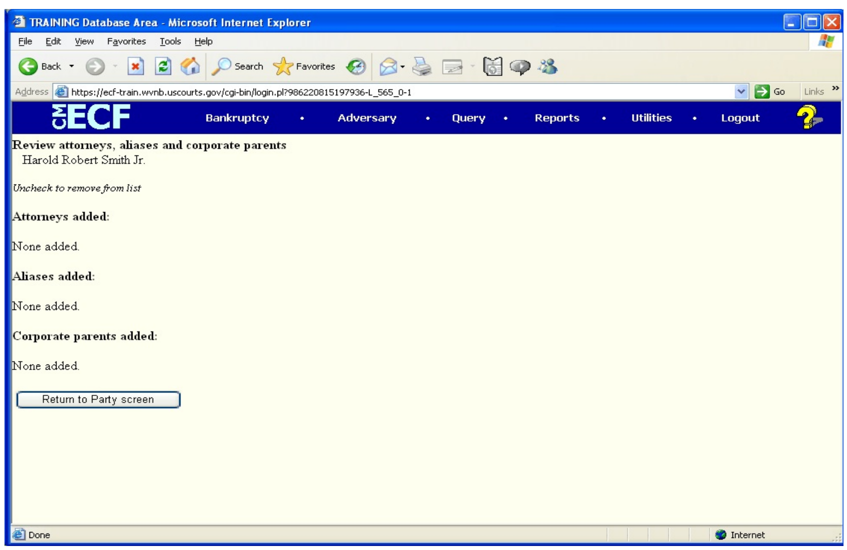

Figure 7b

- You will see the aliases that have been added.
- This is where you must delete an incorrectly entered Alias. An alias cannot be edited. If there is anything incorrect about the alias entry, delete it here by clicking **[Clear]** to remove all checked aliases. Then select **[Return to Party screen]**, and click **[Alias]** to re-enter the correct alias information.
- You will note that in the **Attorney(s) added:** section this message **None added.** will display. CM/ECF knows who you are, based upon your attorney login, and will add you as the attorney for the debtor.
- Click **[Return to Party screen]** to continue.
- When all the information is correct, click **[Submit]** to continue.

NOTE: If this were a joint debtor filing, a **JOINT DEBTOR PARTY** screen would appear next. Repeat Steps 4 through 7 for the Joint Debtor.

NOTE: If this is a joint filing but was not indicated as such, **or** if this was inadvertently marked as a joint filing and there is no joint debtor, return to Step 1 and begin again.

STEP 8 A screen will display with the debtor's divisional office which is based on the debtor's county of residence. Select [Next]. **(See Figure 8.)**

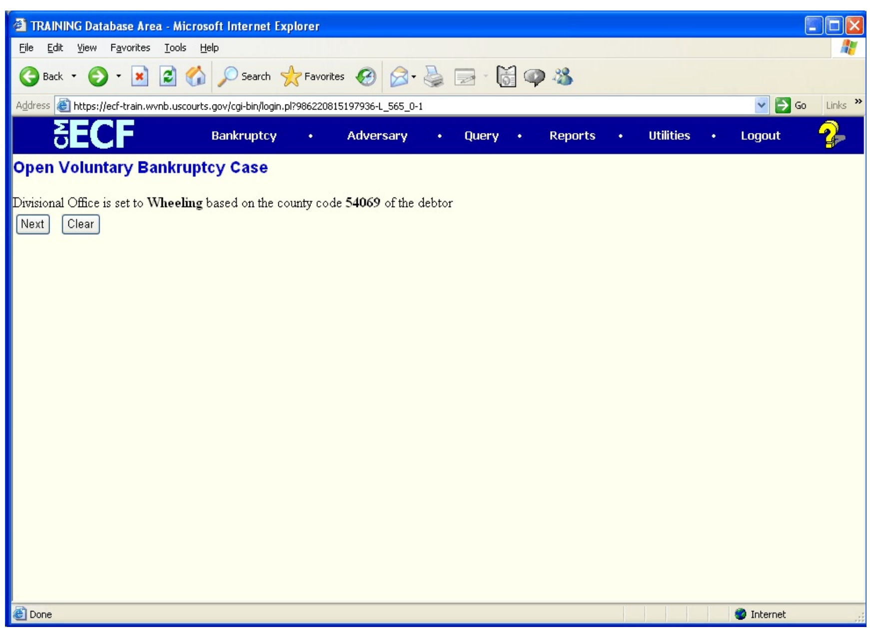

Figure 8

STEP 9 The **STATISTICAL DATA** screen appears next. **(See Figure 9.)**

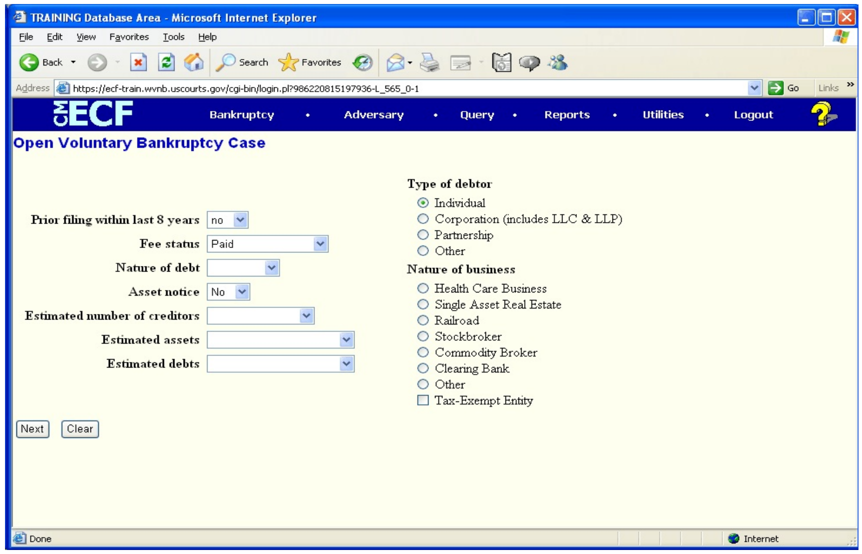

Figure 9

- Select the **Type of Debtor** by clicking in the appropriate box(es).
- **Prior filing within last 8 years:** Select **no** or **yes**
- The **Fee Status** values are Installment, Paid, Fee Not Paid, and IFP Filing Fee Waived. If the petition is accompanied by an Application to Pay Filing Fees in Installments, you would select Installment from the pick list box. If an Informa Pauperis Affidavit accompanied the petition, select IFP Filing Fee.
- Designate the **Nature of Debt** as Consumer or Business. If the debtor has "dba's", select business. It is also necessary to select **Nature of Business** if Business was designated under **Nature of Debt**.
- Select **no** or **yes** for **Asset Notice**
  - If the filing is a Chapter 9, 11, 12 or 13 petition, click to highlight **y** for an **asset** case.
  - If the filing is a Chapter 7 petition, accept the default **n** for a **no asset** case.

- Select the **Estimated Number of Creditors**.
  - 1-49
  - 50-99
  - 100-199
  - 200-999
  - 1,000-5,000
  - 5,001-10,000
  - 10,001-25,000
  - 25,001-50,000
  - 50,001-100,000
  - over 100,000

- Select the correct dollar range for **Estimated Assets**.
  - $0 to $10,000
  - $10,000 to $100,000
  - $100,000 to $1 million
  - $1 million to $100 million
  - More than $100 million

- Select the correct dollar range for **Estimated Debts.**
  - $0 to $50,000
  - $50,000 to $100,000
  - $100,000 to $1 million
  - $1 million to $100 million
  - More than $100 million

- Click **[Next]** to continue.

STEP 10 **Summary of Schedules** Screen displays. **(See Figure 10.)**

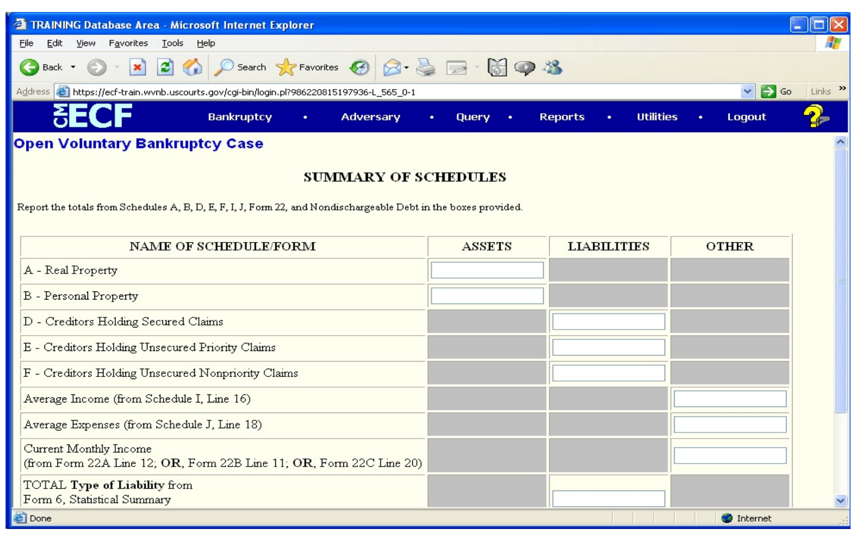

Figure 10

- Complete all white fields using Schedules A, B, D, E, F, J, and Form 22.
- The total Dischargeable Debt will compute.
- Click **[Next]** to continue. **(See Figure 10.)**

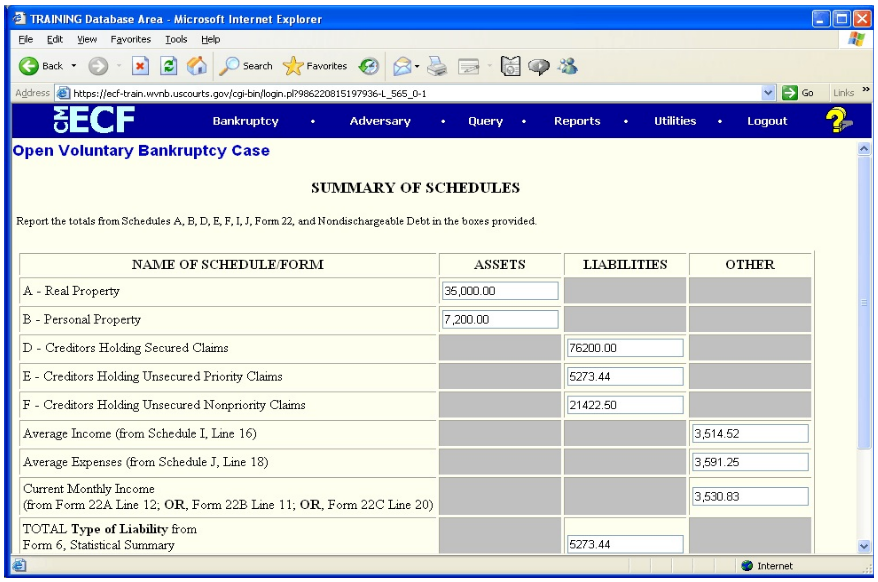

Figure 10

Step 11 If you have selected **y** for **Deficiencies** on the case data screen, the **Deficiency List** screen will appear. **(See Figure 11a.)**

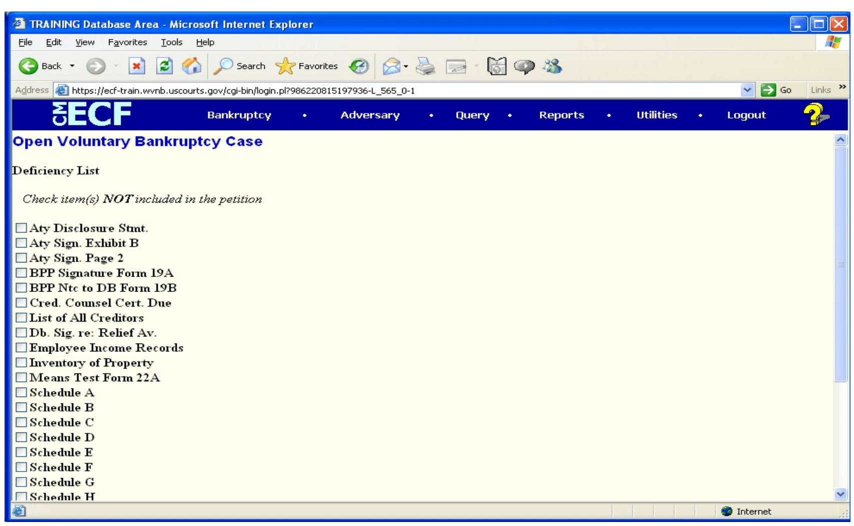

Figure 11a

NOTE: This list will vary by chapter.

- ♦ Check the check box for each item that is not included with the petition. The items chosen will be reflected in the Final Docket Text. **(See Figure 11b.)**

  NOTE: The Court will issue a deficiency notice.

- ♦ Click **[Next]** to continue.

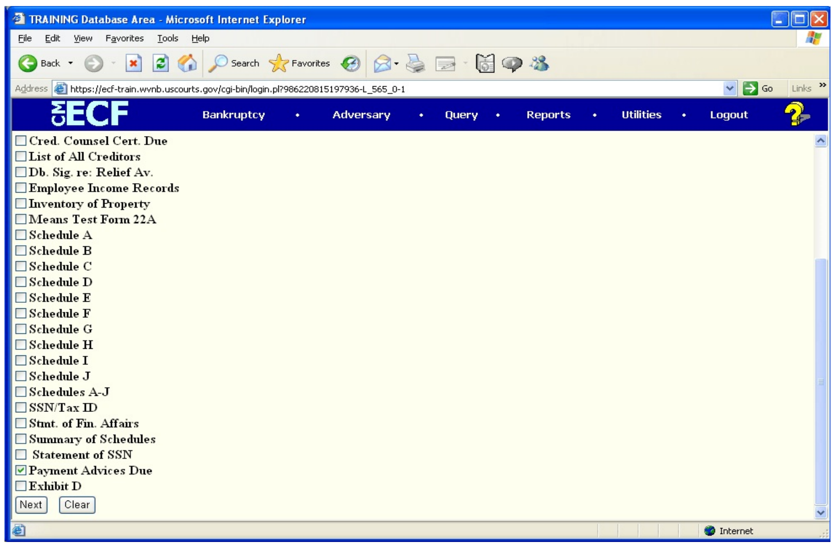

Figure 11b

STEP 12 The **SELECT THE PDF DOCUMENT** screen appears. **(See Figure 12.)**

NOTE: This screen is used for associating the imaged document with this entry. Attorneys may not bypass associating an imaged document.

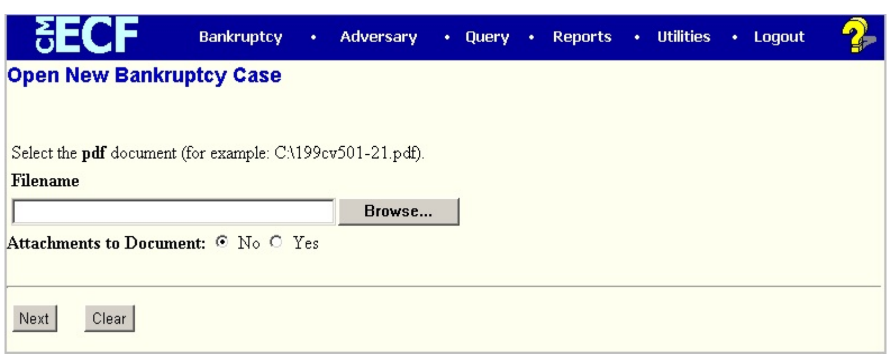

Figure 12

- Click **[Browse]**, then click on the down arrow ▼ for the **Files of type** field.
- In the drop-down box, click on **Acrobat (*.pdf)**.
- Navigate to the directory where the appropriate PDF file is located.
- Highlight the file. Then right click with your mouse and select **Open** to verify the contents of the document. If this is the correct file, double-click the PDF file to select it.
- Accept the default setting of **No** for the **Attachments to Document** radio buttons. Attachments will be covered in another module.
- Click **[Next]**

STEP 13 The **INCOMPLETE FILINGS DEADLINE**S screen is presented, showing the due date for the missing schedules A-J. **(See Figure 13.)**

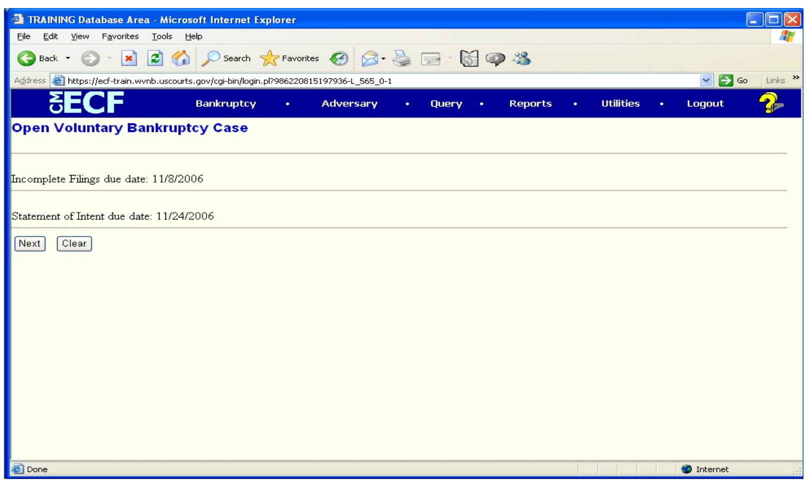

Figure 13

- The deadline for filing the missing documents is calculated and displayed. This will print on the final docket text and will exist as a schedule record for queries and reports.
- Deadlines will vary by court. The court will monitor deadlines for compliance and will verify deficiencies.
- Click **[Next]** to continue.

STEP 14 **Presumption Arises** Screen Displays. Select **no** or **yes.** **(See Figure 14.)**

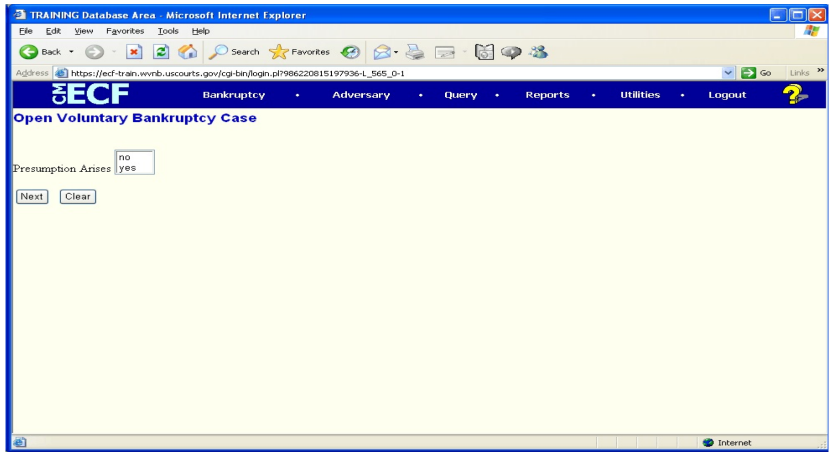

Figure 14

◆ Click **[Next]** to continue.

STEP 15 The **RECEIPT #** screen appears. **(See Figure 15.)**

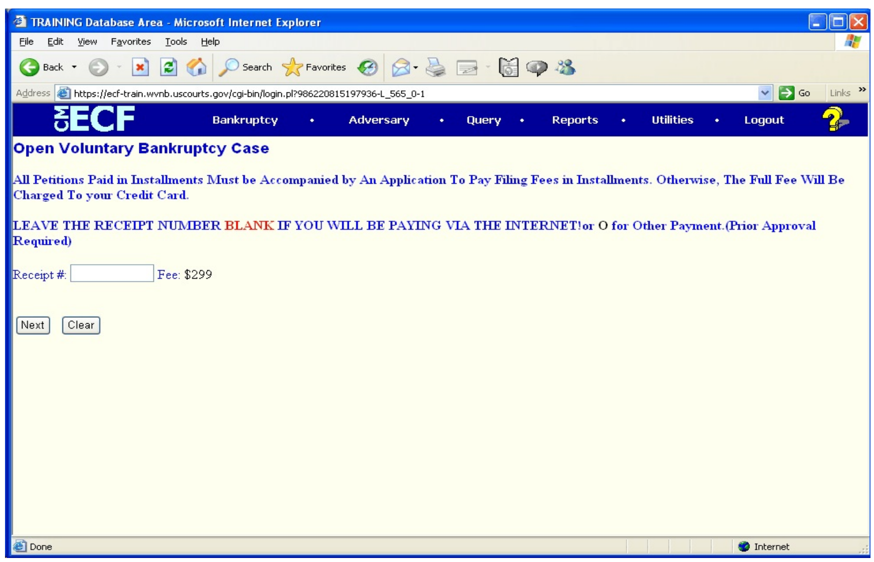

Figure 15

◆ Click **[Next]** to continue.

STEP 16 The **FINAL DOCKET TEXT** screen appears. **(See Figure 16.)**

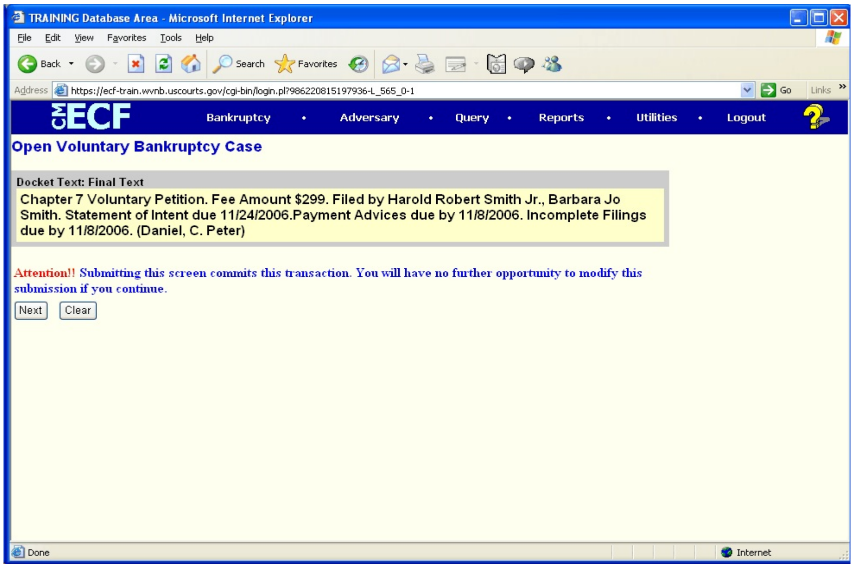

Figure 16

NOTE: This is the **last** opportunity to make any changes before the case is officially opened.

- Proof this screen carefully! This is what will print on the docket sheet.
- If the docket text is incorrect, click the browser **[Back]** button at the top of the screen one or more times to find the screen to be modified, make the correction, and continue through the event.
- To abort or restart the transaction, click on the Bankruptcy hyperlink on the **CM/ECF Main Menu Bar.** Although this can be done at any time, this is your last opportunity to change the event.
- The case number will now be assigned. Click **[Next]** to continue.

STEP 17 **The Payment Screen Displays. (See Figure 17a**

- You may elect to **Pay Now** or **Continue Filing**.
- Complete all fields with a red asterick if you have elected to **Pay Now**. **(See Figure 17b.)**

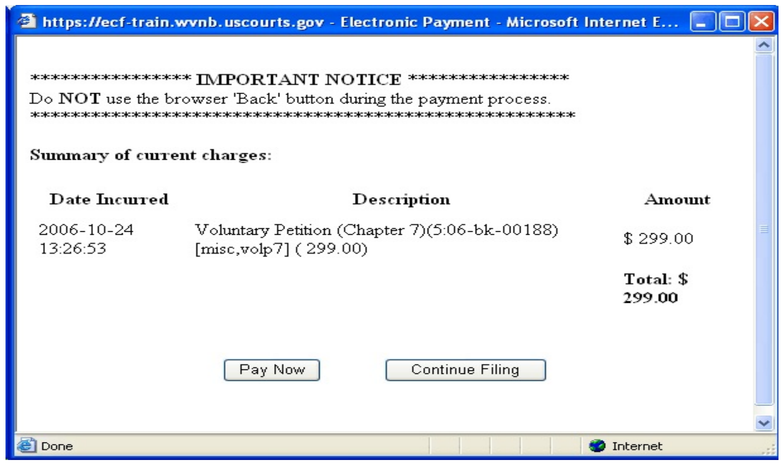

Figure 17a

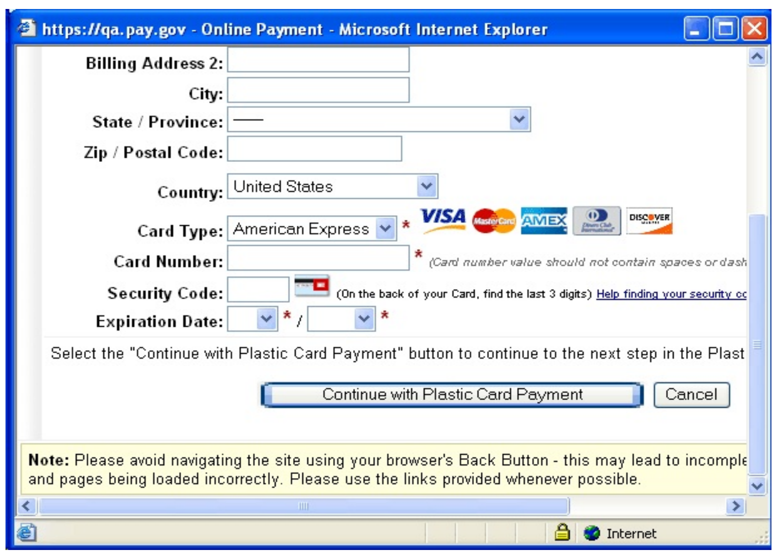

Figure 17b

STEP 18 The **NOTICE OF ELECTRONIC FILING** screen displays. **(See Figure 18a.)**

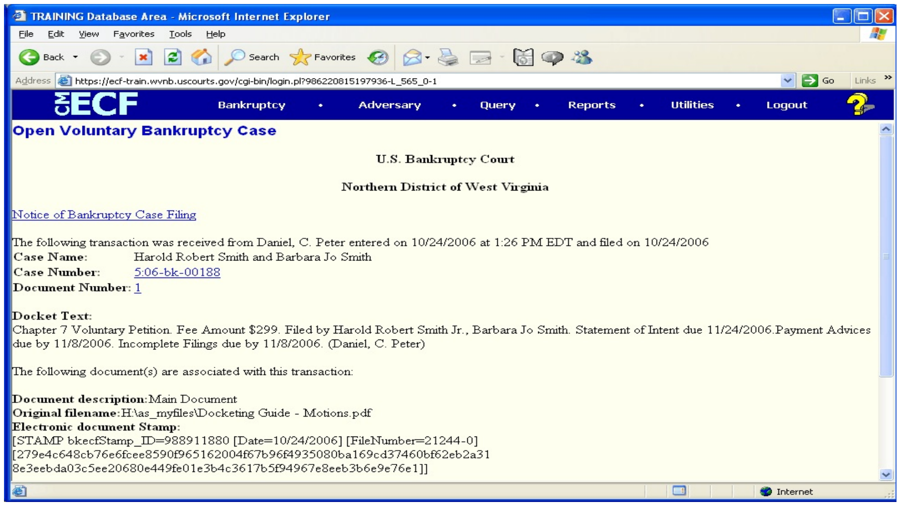

Figure 18a

- This **Notice of Electronic Filing** is the verification that the filing has been sent electronically to the court's database. It certifies the that petition is now an official court document.

- Make a note of the case number, which appears in blue. Clicking on the case number hyperlink on the **Notice of Electronic Filing** will present the *Docket Report* for this case.

- Clicking on the document number hyperlink will present the *PDF Image* of the document just filed.

- To print a copy of this notice click the browser **[Print]** icon.

- To save a copy of this notice, click **[File]** on the browser menu bar and select **Save Frame As**.

- You may also save the notice through the browser **File/Save** option.

- A hypertext link for the Notice of Bankruptcy Case Filing appears at the top of this notice. Clicking on this hypertext link reveals a notice summarizing the pertinent details and participants in this case.